

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION  
Honorable Edward J. Davila  
Courtroom 4 - 5th Floor**

**TITLE: *UNITED STATES v. RAMESH SUNNY BALWANI*  
CASE NUMBER: 5:18-CR-00258-2 EJD**

**Minute Order and Trial Log**

Date: April 29, 2022

Time in Court: (8:33-9:19 AM; 9:26 AM - 12:11 PM; 12:46-2:15 PM; 2:29-3:01 PM)  
(TOTAL Time: 5 hrs, 32 min.)

Courtroom Deputy Clerk: Cheré Robinson  
Court Reporter: Irene Rodriguez

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**APPEARANCES:**

Plaintiff Attorney(s) present: Jeffrey Schenk, John Bostic, Kelly Volkar  
Also present: Special Agent - Chris McCollow  
Paralegals – Maddi Wachs; Sara Slattery

Defendant Attorney(s) present: Jeffrey Coopersmith, Amy Walsh, Stephen Cazares, Aaron Brecher, Shawn Estrada, Amanda McDowell, Sachi Schuricht, Molly McCafferty

Also present: Paralegal – Jennifer Cygnor  
Also present: Ramesh Sunny Balwani (out-of-custody)

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**PROCEEDINGS: Motion Hearing and Jury Trial (Day 23)**

Motion Hearing: 1 hr, 4 min (8:33-9:19 AM; 12:46-1:04 PM)

Hearing on [1416] Motion to Exclude, and on oral motion re audio evidence related to witness testimony held. Argument of counsel heard.

Jury Trial: 4 hrs, 28 min. (9:26-12:11 PM; 1:04-2:15 PM; 2:29-3:01 PM)

Jury Trial held April 29, 2022. Testimony held and evidence entered.  
Further Jury Trial set for May 3, 2022, at 9:00 AM.

See attached Trial Log.

**The following exhibits were identified and offered:**

Plaintiffs: 1102, 5814, 5825, 4059, 4060, 5824, 5823, 5822, 5821, 5820, 1776, 5819, 3940, 949, 4030, 1346, 5811, 3530, 3086  
Defendants: 20593, 20596

**The following exhibits are admitted into evidence:**

Plaintiffs: 1102, 5814, 5825, 4059, 4060, 5824, 5823, 5822, 5821, 5820, 1776, 5819, 3940, 949, 4030, 1346, 5811, 3530, 3086  
Defendants: 20593

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**HONORABLE EDWARD J. DAVILA**

**Case Name: *United States v. Ramesh Sunny Balwani***

**Case No: 5:18-CR-00258-2 EJD**

**TRIAL LOG**

<b>TRIAL DATE: April 29, 2022</b>			<b>REPORTER: Irene Rodriguez</b>	<b>CLERK: Cheré Robinson</b>
PLF	DEFT	TIME	DESCRIPTION	
		8:33 am	Court in session without Counsel outside of presence of Jury and witnesses	
			Hearing on [1416] Motion to Exclude, and on evidence related to upcoming witness testimony held	
		9:16 am	Housekeeping and scheduling matters discussed	
		9:26 am	Jury present	
		9:27 am	Court in session presence of Jury	
			Court queries Jurors re previous admonishment	
		9:28 am	Government calls Patrick Mendenhall to testify	
		9:29 am	Witness Patrick Mendenhall sworn	
		9:29 am	Government begins direct examination of Witness #10, Patrick Mendenhall	
1102		9:38 am	ADMITTED into Evidence: 2013-09-07 Theranos Email to Shareholders re Theranos	
		9:41 am	Ex. 1106, previously admitted	
		9:46 am	Ex. 5805, previously admitted	
5814		9:50 am	ADMITTED into Evidence: 2013-12-16 Theranos Email to Mendenhall re Theranos Stockholder Consents for your Signature by this Wednesday 12/18/13	
5825		9:53 am	ADMITTED into Evidence: 2013-12-19 Balwani/Mendenhall Email String re Theranos	
4059	Obj	9:59 am	Offered into Evidence	

TRIAL DATE: April 29, 2022			REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
			Further foundation to be laid	
		10:00 am	ADMITTED into Evidence: 2013-12-22 Email String re Theranos	
4060		10:18 am	ADMITTED into Evidence (with redaction): 2015-08-27 Eisenman Email forwarding 2013-12-22 Email String re Theranos	
5824		10:20 am	ADMITTED into Evidence: Dec 27, 2013-Jan 10, 2014 Balwani/Mendenhall Email String re Mendenhall Family Partnership	
5823		10:22 am	ADMITTED into Evidence: Dec 27, 2013-Jan 13, 2014 Balwani Mendenhall Email String re Mendenhall Family Partnership	
5822		10:24 am	ADMITTED into Evidence: Dec 27, 2013-Jan 28, 2014 Balwani/Mendenhall Email String re Mendenhall Family Partnership	
5821		10:27 am	ADMITTED into Evidence: 2014-05-13 Mendenhall/Balwani/Holmes Email String re Theranos Update	
5820		10:29 am	ADMITTED into Evidence: 2014-05-13 Mendenhall/Balwani/Yam Email String re Theranos Update	
1776		10:30 am	Displayed: Roger Parloff, <i>New Blood – Elizabeth Holmes Founded Her Revolutionary Blood Diagnostics Company, Theranos, When She was 19. It's Now Worth More than \$9 Billion, and Poised to Change Health Care</i> , FORTUNE.COM, June 12, 2014	
5819	Obj	10:33 am	Offered into evidence	
		10:34 am	ADMITTED into Evidence (not offered for truth of matter asserted): 2014-12-03 Mendenhall/Balwani/Holmes Email String re Shareholder Questions	
		10:40 am	Government completes direct examination of Patrick Mendenhall	
		10:41 am	Defense begins cross-examination of Patrick Mendenhall	
		10:50 am	Ex. 5814, previously admitted	
		10:58 am	Ex. 1113, previously admitted	
		11:05 am	Ex. 1106, previously admitted	
		11:12 am	Ex. 5805, previously admitted	
	20593	11:24 am	ADMITTED into Evidence: 2014-02-24 Mendenhall Email re Mendenhall TF Partnership	

TRIAL DATE: April 29, 2022			REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
		11:27 am	Ex. 4059, previously admitted	
Obj	20596	11:41 am	Offered into evidence	
		11:44 am	Defense completes cross-examination of Patrick Mendenhall	
		11:45 am	Government begins re-direct of Patrick Mendenhall	
		11:47 am	Ex. 4059, previously admitted	
		12:00 pm	Government completes re-direct examination of Patrick Mendenhall	
			Defense begins re-cross-examination of Patrick Mendenhall	
		12:09 pm	Defense completes re-cross-examination of Patrick Mendenhall	
			Government conducts further re-direct examination of Patrick Mendenhall	
		12:10 pm	Government completes further re-direct examination of Patrick Mendenhall	
			Defense conducts further re-cross-examination of Patrick Mendenhall	
			Ex. 4059, previously admitted	
		12:11 pm	Defense completes further re-cross-examination of Patrick Mendenhall	
			Witness excused	
			Court takes break for 40 minutes	
		12:46 pm	Court in session with Counsel out of presence of Jury and witnesses	
			Further discussion re evidence related to upcoming witness testimony held	
		1:04 pm	Jury enters Courtroom	
			Court in session in presence of Jury	
			Government calls Witness #11 John Bryan Tolbert	
		1:05 pm	John Bryan Tolbert sworn and takes stand	
			Government begins direct examination of John Tolbert	

TRIAL DATE: April 29, 2022			REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
3940		1:22 pm	ADMITTED into Evidence: 2013-07-29 Lucas Email to Tolbert re Theranos New Board Members	
949		1:26 pm	ADMITTED into Evidence: Jul/Aug 2013 Email String re Theranos, and re Black Diamond Ventures XII, LLC   Theranos Shareholder Letter	
4030		1:31 pm	ADMITTED into Evidence: 2013-11-08 Ibarra Email to Quintana re BDV Annual Meeting Confidential Presentation Deck   Offering, and attachment – BDV Annual Deck (11-01-13 – Final).pdf	
1346		1:44 pm	ADMITTED into Evidence: Quintana Email re ::IMPORTANT:: BDV XII, LLC   Theranos Investor Update Call by CEO, Elizabeth Holmes   12/20/13	
5811		2:03 pm	ADMITTED into Evidence (Limited – only top 3 emails, and not offered for truth of matter asserted, but only of notice to Mr. Balwani): Dec 2013 Email String re Theranos Stockholder Black Diamond Ventures' Participation in Series C-1 Stock Financing	
3530		2:05 pm	ADMITTED into Evidence (pp. 1-24, 32 only): Theranos, Inc. Amended and Rested Series C-1 Preferred Stock Purchase Agreement - Initial Closing Date: July 1, 2010	
3086		2:13 pm	ADMITTED into Evidence: 2016-01-29 Theranos/Tolbert Email String re For our shareholders	
		2:15 pm	Government completes direct examination of John Bryan Tolbert	
			Court breaks for 14 minutes	
		2:29 pm	Court in session in presence of Jury and Witness #11 John Bryan Tolbert	
			Defense begins cross-examination of John Bryan Tolbert	
		2:44 pm	Ex. 1113, previously admitted.	
		2:52 pm	Defense completes cross-examination of John Bryan Tolbert	
			Government conducts re-direct examination of John Bryan Tolbert	
		2:54 pm	Government completes re-direct examination of John Bryan Tolbert	
			Defense conducts re-cross-examination of John Bryan Tolbert	
		2:55 pm	Defense completes re-cross-examination of John Bryan Tolbert	

<b>TRIAL DATE: April 29, 2022</b>			<b>REPORTER:</b> Irene Rodriguez	<b>CLERK:</b> Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
			Witness #11 John Bryan Tolbert excused	
		2:36 pm	Witness #11 John Bryan Tolbert departs	
			Court admonishes and releases Jury	
		2:57 pm	Jury departs Courtroom	
			Court in session with Counsel out of presence of Jury and witnesses	
		3:01 pm	Court adjourned	
			Jury Trial Continued to May 3, 2022, at 9:00 AM	